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13 Attorneys for Defendant,
 14 Alameda County Medical Center – John George Psychiatric Pavillion

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UNITED STATES DISTRICT COURT
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NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION
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 19 ANNETTE M. FILENA, individually and as
 successor in interest for decedent, Debra
 Kincaid,

Case No.: C 07 – 05462 SBA
 Hon. Saundra B. Armstrong

20 Plaintiff,
 21 v.

**STIPULATION AND ORDER TO ALLOW
 PLAINTIFF TO AMEND HER
 COMPLAINT SO THE CASE MAY BE
 REMANDED TO STATE COURT**

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 23 ALAMEDA COUNTY MEDICAL CENTER–
 JOHN GEORGE PSYCHAITRIC
 PAVILLION and DOES 1-100, inclusive.

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 25 Defendants.
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1 The parties stipulate to allow plaintiff, Annette Filena, to file the proposed First
 2 Amended Complaint attached as **Exhibit A**, which does not include any claims based on
 3 federal law or California Health & Safety Code Section 1430(b), against defendant
 4 Alameda County Medical Center – John George Psychiatric Pavillion. The parties also
 5 stipulate that because the plaintiff is no longer seeking a claim against this defendant
 6 based on federal law or California Health & Safety Code Section 1430(b), the defendant
 7 agrees to withdraw its Motion to Dismiss these claims. The parties further stipulate that
 8 because there are no pending federal claims to be adjudicated, they respectfully request
 9 that this Court remand this case to state court for all further proceedings.

10 **DATED:** November____, 2007

SCOTT LAW FIRM

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By: _____
 Lizabeth N. de Vries
 Attorney for Plaintiff

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**GALLOWAY, LUCCHESE, EVERSON &
 PICCHI**

By: _____
 Martin J. Everson,
 Attorney for Defendant

ORDER

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Based on the stipulation of the parties, and good cause appearing therefor;

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IT IS HEREBY ORDERED that the plaintiff may file her proposed amended complaint

and this case should be remanded to the state court for all further proceedings.

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DATED: 12/5/07


 Hon. Saundra B. Armstrong,
 U.S. District Court Judge